

Agenda Item

Consider the acceptance of an assurance agreement between Knights Landing Ridge Drainage District and the Central Valley Flood Protection Board for maintenance of the south levee of Sycamore Slough.

Purpose:

To provide assurances of operations and maintenance of the south levee of Colusa Basin Drain in accordance with Water Code sections 8370, 12642, and 12828.

Location:

The project is located in the town of Knights Landing in Yolo County along the south levee of the Colusa Basin Drain from the Knights Landing Outfall Gates to high ground approximately 1,200 feet to the west. A location map is attached.

Description:

Castle Properties, LLC applied for an encroachment permit with the Reclamation Board (Board, as of January 1, 2008 now known as the Central Valley Flood Protection Board) on February 28, 2006 to perform work near and on the south levee of Colusa Basin Drain (permit 18046). It was subsequently determined by the Department of Water Resources (DWR) that this specific segment of levee was not turned over by the U.S. Army Corps of Engineers to a local maintaining agency. Therefore, the Board required that before permit 18046 was issued a public agency responsible for the operation and maintenance of the levee be identified.

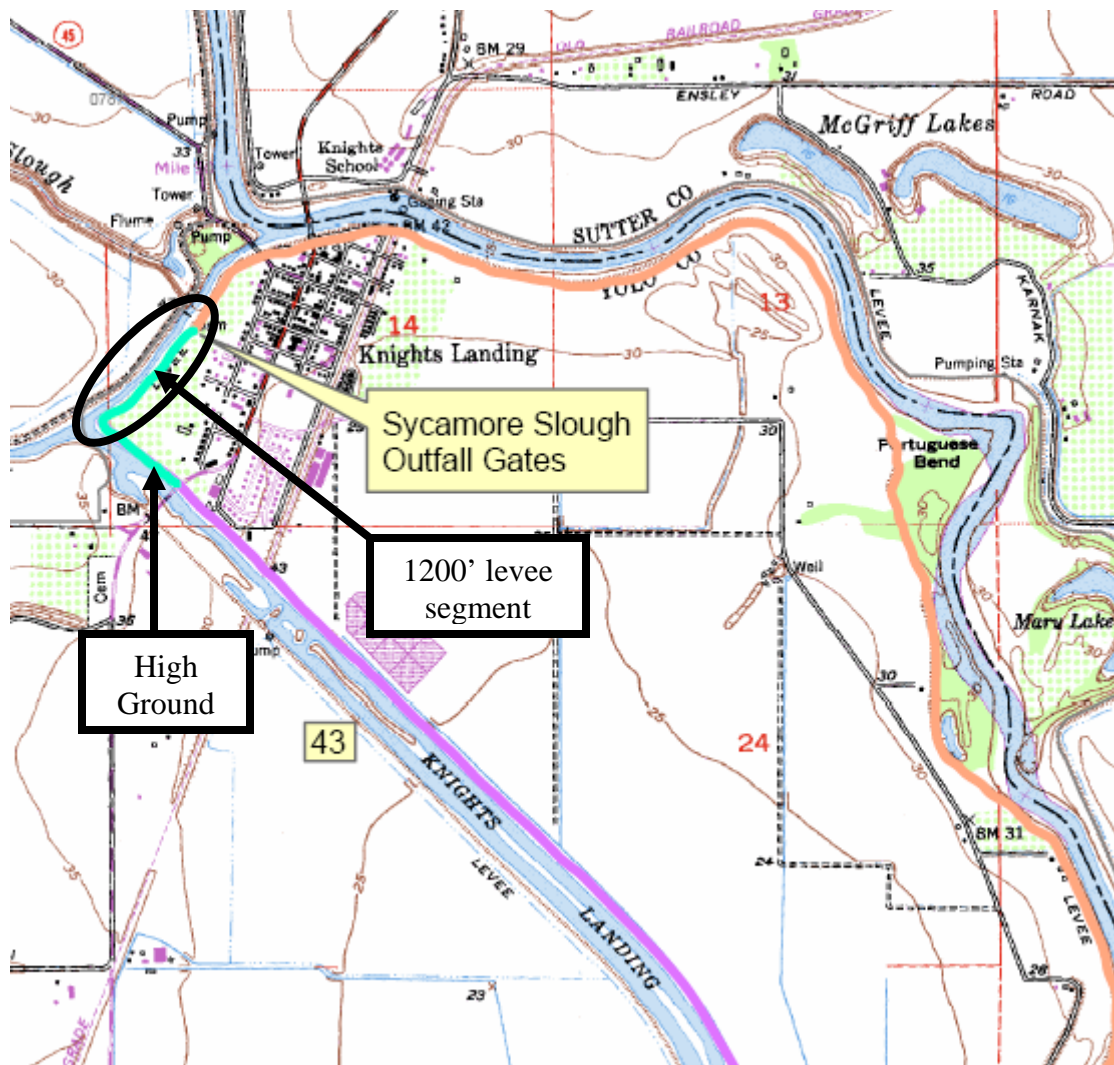
In accordance with the Water Code section 12878.1, DWR initiated the process of forming a maintenance area. A statement of necessary work and cost estimate was prepared and distributed to Yolo County and Knights Landing Ridge Drainage District (District) on January 26, 2007. The District conditionally agreed to accept the operation and maintenance of the levee by way of a letter dated June 5, 2007.

The levee maintenance activities required to achieve compliance with U.S. Army Corps of Engineers Operations and Maintenance Manual included removing heavy vegetation, grouting rodent holes, installing gates and creating an all-weather levee crown road. The District entered an agreement with Castle Principles, LLC to perform the required work. The work was completed in October of 2007 and inspected by DWR staff.

To provide assurances of operations and maintenance of the south levee of Colusa Basin Drain in accordance with Water Code sections 8370, 12642, and 12828, the Board and the District must enter into an Assurance Agreement.

Attachments:

- Site location map
- Assurance Agreement



State of California
 Department of Water Resources
 Division of Flood Management
 Office of Flood Maintenance

Knights Landing Maintenance Area

Site Location Map

Date: 02/27/08

Attachment 1

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. LL40
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0653 FAX: (916) 574-0682



ASSURANCE AGREEMENT
BETWEEN
KNIGHTS LANDING RIDGE DRAINAGE DISTRICT
AND
THE CENTRAL VALLEY FLOOD PROTECTION BOARD
FOR
THE SOUTH LEVEE OF SYCAMORE SLOUGH
FROM
THE JUNCTION OF KNIGHTS LANDING RIDGE CUT
TO
THE KNIGHTS LANDING OUTFALL GATES
CONTAINED WITHIN UNIT NO. 127

WHEREAS, The Reclamation Board (as of January 1, 2008 known as the Central Valley Flood Protection Board) (Board) granted an encroachment permit on February 28, 2006 (permit 18046) to Castle Principles, LLC regarding work on the south levee of Sycamore Slough from the Knights Landing Outfall Gates (Unit 162) to high ground approximately 1,200 feet to the west near the junction with Knights Landing Ridge Cut within Unit 127 (Project); and

WHEREAS, it was determined by the Department of Water Resources (DWR) that the above described segment of levee within Unit 127 is not maintained and no maintaining agency is identified in the U.S. Army Corps of Engineer's (Corps) Operation and Maintenance Manual as having responsibility to maintain the levee; and

WHEREAS, the Board required that before permit 18046 was issued, a local agency must be identified as the local maintaining agency responsible for the operation and maintenance of the levee in accordance with Water Code section 12878.1; and

WHEREAS, no local agency was identified as the local maintaining agency, DWR informed the Board that DWR was required to prepare a statement of necessary work and cost estimate to complete the work in accordance with Water Code section 12878.1; and

WHEREAS, the statement of necessary work was issued on January 26, 2007 to the Yolo County Board of Supervisors and Knights Landing Ridge Drainage District (District); and

WHEREAS, the District conditionally agreed to accept the operation and maintenance of the levee by way of a letter dated June 5, 2007;

NOW, THEREFORE IT IS HEREBY AGREED:

1. The District shall:
 - A. Assume responsibility for the Project effective October 19, 2007;
 - B. Indemnify and hold and save the State and the United States free and harmless from damages due to the construction, operation, maintenance, repair, replacement or rehabilitation of the Project pursuant to Water Code sections 8370, 12642 and 12828;
 - C. Maintain, operate, repair, replace, and rehabilitate, in accordance with the regulations prescribed by the Secretary of the Army, all federal flood control works and improvements lying within the jurisdiction or boundaries of District; and
2. By this Agreement, the Board hereby grants the District, its agents, officers, and employees the right to enter, at reasonable times and in a reasonable manner, upon land which the Board holds exclusive perpetual rights of way and easements for flood control works within Unit 127 and which is the subject of this agreement, for the purpose of inspection, operating, maintaining, repairing, replacing, or rehabilitating the federal flood control works.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates below.

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

Benjamin Carter
President

Date: _____

Nancy Finch
Counsel

Date: _____

KNIGHTS LANDING RIDGE DRAINAGE DISTRICT

Jim Heidrick
President

Date: _____

Lewis Bair
General Manager

Date: _____